

Before the **DOCKET FILE COPY ORIGINAL**
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Petition of US WEST Communications, Inc.,)
for a Declaratory Ruling Regarding the)
Provision of National Directory Assistance)

CC Docket No. 97-172

BELLSOUTH COMMENTS

BellSouth Corporation, on behalf of BellSouth Telecommunications, Inc. ("BellSouth"), hereby submits comments on the Petition for Declaratory Ruling filed by US West Communications, Inc. ("US West Petition") initiating this proceeding.¹ By its Petition, US West requests confirmation that its provision of a National Directory Assistance ("NDA") service on a centralized basis using the 411 dialing code is not prohibited by the Communications Act.² Because BellSouth, too, has begun introduction of an NDA service comparable to that described by US West, BellSouth has an interest in the outcome of this proceeding. For the reasons set forth below, BellSouth supports US West's Petition and urges the Commission to conclude that the Act does not prohibit it from providing NDA service in conjunction with existing directory assistance service.

I. Introduction

In its Petition, US West chronicled its previous attempt to address before the Commission the legal issues raised by its instant Petition.³ Specifically, US West described its prior attempt to

¹ See, Public Notice, DA 97-1634 (rel. Aug. 1, 1997).

² The Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.* ("the Act").

³ US West Petition at 1-3.

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intervene in a complaint proceeding brought by MCI against Ameritech alleging that an NDA service introduced by Ameritech violated certain provisions of the Act.⁴ On the recommendation of Commission staff due to procedural concerns, US West withdrew its intervention motion from the Ameritech complaint proceeding and filed the instant declaratory ruling Petition. US West described its service offering, noting both similarities and differences in comparison to that of Ameritech. MCI promptly filed a complaint against US West.⁵

Two days before US West filed its Petition, BellSouth began its own introductory offering of NDA service in Kentucky pursuant to state tariff. BellSouth also has scheduled introduction of NDA service in additional states throughout the remainder of the year and into 1998. BellSouth's offering is comparable to that described by US West. To date, no complaint has been lodged against BellSouth, although MCI's response to US West's Petition suggests that one is likely. Although BellSouth is confident that its assessment of the propriety of its NDA offering is correct, BellSouth urges the Commission to address US West's Petition promptly and thereby remove the unnecessary cloud of controversy that threatens to settle upon NDA service as a result of MCI's litigiousness.

II. BellSouth's National Directory Assistance Service

BellSouth's NDA service permits BellSouth to offer both local and nationwide directory assistance listings from a single telephone number. In Kentucky, where NDA service currently has been introduced, callers dialing the same "1 + 411" sequence they always have for directory

⁴ *MCI Telecommunications Corp. v. Illinois Bell Telephone Co., et al.*, File No. E-97-19 (complaint filed Apr. 10, 1997).

⁵ *MCI Telecommunications Corp. v. US West Communications, Inc.*, File No. E-97-40 (complaint filed July 28, 1997).

assistance⁶ are now greeted by a slightly modified automated directory assistance voice intercept and prompt. Thus, where callers previously were greeted by a “What city? What listing?” prompt, they now encounter a “What state? What city? What listing?” prompt.

If the caller requests a number for a listing within the caller’s own NPA, the information is provided in the same manner as it always has been, *i.e.*, the call is routed to an operator with access to the appropriate directory listing database. On any such call, the caller, the operator, and the database all may be in separate LATAs due to BellSouth’s centralization of databases and operator positions. If the caller instead seeks a number⁷ for a listing outside the caller’s own NPA, the same thing happens: the call is routed to an appropriate operator who has access to an NDA database.⁸ As above, the caller, the operator, and the database frequently will be in different LATAs.

As US West observes with respect to its offering, the only new or different feature presented by NDA service is the range of telephone numbers available to the calling customers. Otherwise, the service is indistinguishable from historical DA service.

BOCs have long been permitted to provide DA service on a centralized basis using their internal official service networks. DA service has been determined to be neither a prohibited interLATA service under the MFJ⁹ nor an enhanced service under the Commission’s rules.¹⁰

⁶ Callers in Kentucky, Tennessee, Mississippi, Alabama, and Louisiana historically have dialed “1 + 411” for directory assistance, while callers in Georgia, Florida, North Carolina, and South Carolina historically have simply dialed “411.” Since this difference is of historical origins and has no bearing on issues presented in this proceeding, BellSouth’s references to “411” herein should be considered inclusive of both dialing schemes.

⁷ Like US West, BellSouth does not offer “reverse search” capability with NDA service.

⁸ Listings in this database are compiled by and obtained from an unaffiliated vendor.

⁹ *See, United State v. Western Electric*, 569 F. Supp. 1057, 1097-1101 (D.D.C. 1983).

Nothing in the addition of extra-territorial listings to this service offering converts it into a prohibited interLATA service (as that term is now governed by the Act) or into an enhanced service.

III. National Directory Assistance Service is Not An InterLATA Service Subject to Section 271 of the Act.

MCI's complaint against US West confirmed exactly what US West predicted in its Petition -- that MCI would assert that provision of NDA service by US West in the manner described in its Petition (and by BellSouth as described above) violates Section 271¹¹ of the Act because: (a) provision of a telephone number of a telephone subscriber in a distant LATA somehow transforms an otherwise legitimate directory assistance service into an illegitimate service because that telephone number *may* be used to place a subsequent interLATA call; or (b) NDA service would have been contrary to the MFJ. As US West's anticipatory response in its Petition and its subsequent answer to MCI's complaint demonstrate, however, neither logic nor statutory construction supports reading Section 271 to apply to NDA service. Further, arguments of what "would have been" under the MFJ are irrelevant to consideration of what is permitted under the Act.¹² BellSouth thus agrees with US West's analysis and conclusion that, under applicable law, BOCs are not prohibited from providing NDA service in the manner described.

¹⁰ See, *North American Telecommunications Association Petition for Declaratory Ruling Under Section 64.702 of the Commission's Rules Regarding the Integration of Centrex, Enhanced Services, and Customer Premises Equipment*, ENF No. 84-2, 101 FCC2d 349 (1985) ("*NATA/Centrex Order*"), *aff'd on recon.*, 3 FCC Rcd 4385 (1988).

¹¹ 47 U.S.C. § 271.

¹² Rather than incorporating or adopting MFJ provisions or interpretations as the substance of the Telecommunications Act of 1996, Congress chose instead expressly to divorce any proscriptive effects of MFJ lore from application of the new statute. Thus, in Section 601(a)(1) of the 1996 Act, Congress specifically directed that "[a]ny conduct or activity that was, before enactment of this Act, subject to any restriction or obligation imposed by the AT&T Consent

As US West shows in its Petition, attempting to split hairs to discern whether an indisputably permitted DA service is rendered impermissible based on a caller's subsequent use of information obtained from that DA service leads to irrational results. US West offers the example of a caller obtaining "local" DA information, but using that information at a later time to place an interLATA call. Presumably, under MCI's apparent theory, because the subsequent call was interLATA, the original DA service would be deemed to be interLATA and thus to be an activity prohibited to the BOCs.

The same illogical conclusion may be reached in reverse: A customer traveling to visit a friend in a distant LATA could call an NDA service prior to boarding a plane, but not use the number received to call the friend until arrival, at which time the call is clearly intraLATA. Thus, to the extent MCI's theory of the interLATA or intraLATA character of a directory assistance offering rests on the interLATA or intraLATA character of the subsequent call placed by the customer, the DA service in the foregoing example would be "intraLATA." The consequence of MCI's theory, as these examples illustrate, is that if a DA service is to be constructed only to provide information for intraLATA calls, some mechanism would have to be devised to ensure that the information is used only for permitted purposes. The absurdity of such a result is apparent and compelling.

Other irrational consequences would also flow from MCI's theory. Presently, callers seeking "long distance information" may choose to use an IXC's DA service by dialing 1 + NPA + 555-1212.¹³ As often as not, however, callers do not know the NPA they need to dial. Thus,

Decree shall, on and after such date, be subject to the restrictions and obligations opposed [by the 1996 Act] and shall not be subject to the restrictions and obligations of such Consent Decree." Telecommunications Act of 1996, Pub. L. No. 104-104, Sec. 601(a)(1), 110 Stat. 56, 142.

¹³ Customers also have other choices, such as internet white pages directories.

before calling the “long distance information” service, they will dial 411 to obtain the appropriate NPA information. Under MCI's theory, however, the provision of NPA information to allow the customer to place an interLATA call over an IXC's network to reach “long distance information” (and thus to facilitate placing a possible subsequent interLATA call to another subscriber) would also seem to be a prohibited interLATA activity. BellSouth can neither find nor fathom statutory support for such splitting of hairs based on subsequent use of DA information or for the consequential irrational results.

Instead, BellSouth concurs in US West's assessment that the Act provides no basis for distinguishing between a DA offering that is inclusive of national listings and one that is not. Indeed, the only reference to directory assistance in Section 271 appears in the enumeration of checklist items in Section 271(c)(2)(B).¹⁴ There, Congress imposed an obligation on BOCs to provide other carriers non-discriminatory access to “directory assistance *services* to allow the other carrier's customers to obtain *telephone numbers*.”¹⁵ Congress imposed no qualifications or limitations on either the “directory assistance services” or the “telephone numbers” to which this obligation attaches, nor sought to distinguish between types of directory assistance services or geographic scope of telephone numbers provided. Rather in using the plural “services,” Congress clearly contemplated that BOCs might have more than one directory assistance service offering and evinced no expectation that those “services” would be limited to providing only “local” telephone numbers.

¹⁴ 47 U.S.C. § 271(c)(2)(B).

¹⁵ 47 U.S.C. § 271(c)(2)(B)(vii)(II)(emphasis added).

Moreover, as US West shows in its Petition, the definitional structure of the Act confirms that NDA service is no more of an interLATA service subject to Section 271 than is current DA service, which BOCs have long provided. As US West shows, the interplay of statutory definitions leads to a meaning of “interLATA service” as “the interLATA transmission of information chosen by the user between or among points specified by the user.”¹⁶ With NDA service, as with other DA service, the customer does not specify the points of transmission and is at most indifferent to the configuration of the network supporting the call.¹⁷ Thus, because the number dialed is the same, the customer provides no greater or different specification of transmission points for NDA service than for DA service.¹⁸

Finally, the arguments proffered in MCI’s complaint of what “would have been” required under the MFJ are unavailing. Congress has made clear that the Act, not the MFJ, is the controlling authority.¹⁹ And, as US West has shown,²⁰ the Act’s proscription on “interLATA services” is narrower than the MFJ court’s proscriptive reach into “activities that comprise the business of providing long distance service.”²¹ Thus, any attempt by MCI to rely on this more

¹⁶ US West Petition at 7.

¹⁷ More likely, the customer is unaware or is surprised to learn that a call to 411 even for a local number may be answered by an operator several states away. In the customer’s mind, a local call has been placed.

¹⁸ As discussed in the next section, NDA service, like DA service, is an adjunct-to-basic function rather than an information service. Thus, any argument that NDA service is an interLATA information service permitted under Section 271(g)(4), 47 USC § 271(g)(4), but subject to the separation requirements of Section 272, 47 USC § 272, would be misplaced.

¹⁹ See note 12, *supra*

²⁰ US West Petition at 7-9.

²¹ *United States v. Western Electric*, 627 F. Supp. 1090, 1100 (D.D.C. 1980).

expansive “standard” is misplaced. The Act itself does not prohibit BOCs from providing NDA service with their existing DA offerings.

IV. NDA Service is an Adjunct-to-Basic Service.

US West properly shows that NDA service is neither an enhanced service nor an information service. It is, instead, an adjunct-to-basic service no different from BOCs’ existing DA offerings. The Commission has concluded that adjunct-to-basic service are to be treated as telecommunications services for purposes of the Act.²²

The Commission adopted the regulatory classification of adjunct-to-basic services to capture those services that, while meeting the literal definition of enhanced services, were otherwise “‘basic’ in purpose and use.”²³ Services in that category are those that “facilitate use of the basic network without changing the nature of basic telephone service.”²⁴ Further, the Commission found that this “significance of purpose [test].... is perhaps *most clear* in the case of directory assistance.”²⁵

Nothing in the Commission’s assessment of directory assistance as the “most clear” example of an adjunct-to-basic service hinged on any geographic characteristics of the service or on the identity of the service provider. Indeed, in its analysis, the Commission compared directory assistance with “Dial-it” service, an interstate, interLATA information retrieval service offered by AT&T. The Commission found that the “*only* significant difference between Dial-it and directory assistance is that the latter service provides only that information about another

²² *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, FCC 96-489, at ¶ 107.

²³ *NATA/Centrex Order*, 101 FCC2d at 359.

²⁴ *Id.* at 361.

²⁵ *Id.* at 360 (emphasis added).

subscriber's telephone number which is necessary to allow use of the network to place a call to that other subscriber.”²⁶ The Commission perceived no difference between the services based on geography or the identity of the service provider, and certainly none relevant to the conclusion that DA service is an adjunct-to-basic service.

Nor does the inclusion in a DA database of subscriber listings in addition to those of the carrier providing the DA service have any bearing on the regulatory classification of the DA service. BOCs have long had agreements to include listings independent telephone company subscribers in the BOCs’ DA databases and, as a result of the Act, are now also required to include listings of competing carriers’ subscribers. That listings in the database are not the BOC’s own end user customers simply has no bearing on whether DA service continues to meet the *NATA/Centrex* significance of purpose test.

Finally, just as a customer’s subsequent placing of an interLATA call to a telephone number received from DA service does not render the DA service an impermissible interLATA service, neither does it alter the adjunct-to-basic regulatory classification of the DA service. Even if the subsequent call is interLATA, the DA service has merely facilitated completion of the call without altering the fundamental nature of that call. The result is no different from when a customer uses a BOC provided speed-dial function, which is also in adjunct to basic service,²⁷ to store and dial an interLATA call. In either case, the adjunct-to-basic service does not affect the fundamental nature of the subsequent interLATA call, and the interLATA nature of the subsequent call does not affect the regulatory classification of the adjunct-to-basic service.

²⁶ *Id.* (emphasis added).

²⁷ *Id.* at 359-60.

V. BOCs and Other LECs Are Not Prohibited From Using 411 for NDA Service.

In its *N11 Order*,²⁸ the Commission concluded that “a LEC may not itself offer enhanced services using a 411 code ... unless that LEC offers access to the code on a reasonable, non-discriminatory basis to competing enhanced service providers.”²⁹ In that same *Order*, in *dictum* in a footnote, the Commission suggested for the first time that its prior adjunct-to-basic analysis applied only to “traditional” (“local”) DA services,³⁰ thus implying that a regulatory classification distinction, if one is to be drawn, could be drawn between such “traditional” directory assistance service and all other services offered by LECs using 411 dialing. Ameritech, of course, has asked the Commission to clarify or modify that footnote to eliminate the inappropriate inference that the Commission’s adjunct-to-basic analysis is dependent upon geography.³¹ For reasons set forth above and in comments supporting Ameritech’s Petition,³² BellSouth believes that NDA service *is* an adjunct-to-basic offering and thus does not trigger an obligation to provide access to the 411 code to enhanced service providers.

CONCLUSION

BellSouth supports US West’s effort to confirm through a declaratory ruling that BOCs are permitted to offer NDA service in conjunction with, and in the same manner as, existing DA service, using the 411 dialing code. Due to the pall that MCI’s litigiousness casts upon the

²⁸ *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, First Report and Order, CC Docket No. 91-105, FCC 97-51 (rel. Feb. 19, 1997) (petitions for reconsideration or clarification pending) (“*N11 Order*”).

²⁹ *Id.* at ¶48.

³⁰ *Id.* at n. 170.


³¹ Ameritech Petition for Clarification, CC Docket No. 92-105 (filed March 28, 1997).

³² BellSouth’s comments are attached and are hereby incorporated by reference.

introduction of this service, BellSouth respectfully urges the Commission to respond swiftly to US West's Petition.

Respectfully submitted,

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Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
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Use of N11 Codes and Other)	CC Docket No. 92-105
Abbreviated Dialing Arrangements)	

COMMENTS

BellSouth Corporation, by counsel, on behalf of its affiliated companies, files these comments in support of Ameritech's Petition for Clarification filed in this proceeding on March 28, 1997.

Ameritech argues that the Commission should not change the definition of "adjunct to basic" and "enhanced service," and requests that the Commission strike footnote 170 from its First Report and Order. BellSouth agrees. As Ameritech has shown, the classification of individual services -- and in particular, directory assistance services -- as "adjunct to basic" has always been based upon the purpose served by the service, and not the geographic scope of the service or data involved.¹

Indeed, in its N11 NPRM² the Commission stated, "we do not propose to disturb . . . the use of 411 for directory information services that are classified as basic or adjunct to basic services for purposes of this Commission's rules even if those numbers are not presently used in

¹ Ameritech's Petition for Clarification at 8-15.

² The Use of N11 Codes and Other 92-105 [sic] Abbreviated Dialing Arrangements, Notice of Proposed Rulemaking, CC Docket No. 92-105, 7 FCC Rcd 3004 (1992).

some geographic areas for those purposes.”³ The Commission went on to “inquire whether the 411 code should be restricted to the provision of directory assistance information that is classified as basic or adjunct to basic.”⁴ In its First Report and Order the Commission found the “continued use of 411 to call local directory assistance services justified by public convenience and necessity,” and chose not to “alter the assignment of the 411 code.”⁵

The Commission did not, however, restrict use of the 411 code to the provision of directory assistance information that is classified as basic or adjunct to basic. Instead, the Commission wrote:

While we encourage LECs to expand the range of services they offer to the public, we recognize the possible competitive advantage that LECs would be given if they were able to use N11 codes for their enhanced services offerings. We conclude, therefore, that a LEC may not itself offer enhanced services using a 411 code, or any other N11 code, unless that LEC offers access to the code on a reasonable, nondiscriminatory basis to competing enhanced service providers in the local service area for which it is using the code to facilitate distribution of their enhanced services.⁶

BellSouth does not object to the continued nationwide assignment of the 411 Service Code for directory information services that are classified as basic or adjunct to basic services for purposes of this Commission’s rules even if this Service Code is not currently used in some geographic areas for those purposes. BellSouth does not object to the Commission’s decision to condition a LEC’s offering of enhanced services using a 411 code on the LEC’s offering access to 411 on a reasonable nondiscriminatory basis to competing enhanced service providers in the local

³ Id. at 3005, ¶ 11.

⁴ Id.

⁵ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 92-105, FCC 97-51, (released February 19, 1997) at ¶ 47.

⁶ First Report and Order at ¶ 48.

service area for which it is using the code to facilitate distribution of their enhanced services, nor to the Commission's determination that Bell Operating Companies are subject to additional safeguards pursuant to Computer III.⁷

BellSouth nevertheless requests that the Commission clarify that the First Report and Order does not disturb and in fact confirms the continuing national assignment of the 411 Service Code but does not otherwise limit or prescribe what directory assistance is or how it can be provisioned. Specifically, the Commission should, as Ameritech suggests, strike footnote 170 of the First Report and Order.⁸ In the alternative, the Commission should clarify that the dicta contained in footnote 170 of the First Report and Order was neither intended to limit the range of directory assistance services that LECs may offer to the public using a 411 code, nor to constitute a blanket determination that certain services that do not otherwise qualify as enhanced services under the Commission's rules are nevertheless deemed to be "enhanced" pursuant to this dicta.

At footnote 170 the Commission wrote, in relevant part:

By "traditional" directory assistance services we refer to operator provision of local telephone numbers. The Commission has determined that traditional directory assistance services are "adjunct" to basic services are regulated pursuant to Title II of the Communications Act.⁹

The qualifier "traditional" is used by the Commission in connection with "directory assistance services" for the first time in the First Report and Order. Although the First Report and Order states that the N11 NPRM sought comment on whether LEC use of 411 should be restricted to the provision of "traditional directory assistance services,"¹⁰ the qualifier "traditional"

⁷ Id.

⁸ Ameritech's Petition for Clarification at 15.

⁹ Id. at n. 170 (citations to Computer II proceedings omitted).

¹⁰ Id. at ¶ 48

was not, in fact, used in the N11 NPRM. Nor does the qualifier "traditional" appear in connection with the term "directory assistance services" in the Computer II orders as cited by the Commission in the First Report and Order.¹¹ An inference can be drawn that the Commission intended, by adding the qualifier "traditional," to limit the type of directory assistance information provided in connection with a 411 code by all LECs, incumbent and new market entrant alike, to something called "traditional" directory assistance services which is defined in dicta as "operator provision of local telephone numbers."¹² Thus, the First Report and Order could be read to prohibit the assignment of a 411 code for use in connection with local access to automated provision of directory assistance or the automated or operator provision of non-local telephone numbers.

The Commission should clarify that this result was not its intent. In the NATA Centrex Order¹⁴ this Commission determined that directory assistance:

... provides only "that information about another subscriber's telephone number which is necessary to allow use of the network to place a call to that other subscriber. An offering of access to a data base for the purpose of obtaining telephone numbers may be offered as an adjunct to basic

¹¹ Id.

¹² By "local telephone numbers" BellSouth assumes the Commission meant numbers within the LATA, or if broader, the geographic territory encompassed within the relevant Numbering Plan Area.

¹⁴ North American Telecommunications Association Petition for Declaratory Ruling Under Section 64.702 of the Commission's Rules Regarding the Integration of Centrex, Enhanced Services, and Customer Premises Equipment, ENF 84-2, Memorandum Opinion and Order (released May 29, 1985)

telephone service; an offering of access to a data base for most other purposes is the offering of an enhanced service.¹⁵

There is no relevant precedent to prohibit the provision of non-local telephone numbers in a directory assistance offering in connection with a 411 code.¹⁶ Indeed, the provision of a telephone number to one subscriber through access to a data base of telephone numbers of subscribers anywhere on the public switched telephone network so that the first subscriber may use the network to place a call between the two is the heart of directory assistance service.

Because of interLATA restrictions which existed at the time of the Commission's N11 NPRM many LECs and BOCs were limited in their ability to offer local access to non local telephone numbers through their 411 directory assistance service. Since passage of the Telecommunications Act of 1996, however, these restrictions have been replaced by an interconnection regime that contemplates competition in the local exchange and exchange access markets and which includes, as the Commission notes, obligations on incumbent LECs to provide nondiscriminatory access to 411 and its associated databases. To the extent that new market entrants may provide non local telephone numbers through directory assistance via 411 access, but incumbent LECs are not allowed to do so, such new entrants would obtain an unfair

¹⁵ Id. at ¶ 26.

¹⁶ To the extent footnote 170 announces a new rule defining the scope and extent of basic and adjunct directory services, it was promulgated in derogation of the Administrative Procedure Act, 5 U.S.C. § 553. Montgomery Ward v. F.T.C., 691 F.2d 1322, 1329 (9th Cir. 1982) (amendment to rule is proper only when adequate notice is provided to affected parties by agency pursuant to appropriate rulemaking procedures); Harley v. Lyng, 653 F. Supp. 266, 276 (E.D. Pa. 1986) (revision of former regulations invalid when not promulgated in accordance with APA procedures for full notice and comment rule-making notwithstanding agency characterization of revision as interpretive); National Retired Teacher's Association v. U.S. Postal Service, 430 F. Supp. 141, 148 (D.D.C. 1977), affirmed 593 F.2d 1360 (D.C. Cir. 1979) (rule that constitutes a change in prior agency position and has substantial impact on rights and obligations of public is invalid if there has not been compliance with notice and comment requirements of APA even if rule is interpretive).

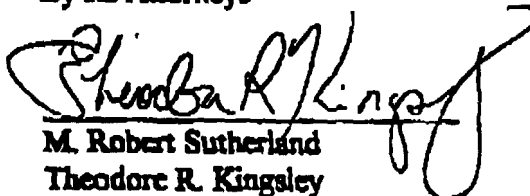
competitive advantage in the public's association of superior (all telephone numbers provided by CLEC 411 live or automated operator services) and inferior (only local telephone numbers provided by ILEC 411 live operator services) directory assistance services.

The Commission can cure this competitive asymmetry in one of two ways. It could limit the national assignment of the 411 Service Codes to all LECs, ILECs and CLECs alike, for the special purpose of operator provision of local telephone numbers. The better course, however, is to clarify that the 411 Service Code is assigned for use in connection with directory assistance services which provide subscribers with local access to information about telephone numbers of subscribers anywhere on the public switched telephone network in order to allow use of the network to place a call to the number provided.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this 2nd day of September, 1997 served all parties to this action with a copy of the foregoing **BELLSOUTH COMMENTS** by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed below.

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